

**THREE RIVERS COMMUNITY COLLEGE  
STUDENT REGULATION**

Section: 2000 STUDENT REGULATION	
Sub Section: 2620 Student Discipline	
Title: SR 2620 Disciplinary Proceedings	
Associated Policy: SP 2620 Disciplinary Proceedings and SP 2610 Student Code of Conduct	
References: MO. Statue Section 178.835	
Responsible Administrator: Vice President for Student Success	
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**Disciplinary Proceedings**

**Purpose**

The purpose of this regulation is to establish disciplinary procedures to guide the fair and uniform enforcement of the responsibilities outlined in the Three Rivers Community College Student Code of Conduct. These procedures are applicable to any student or student organization when charged with a violation of the responsibilities. This regulation allows for fact finding and decision making in the context of the educational community and encourages students to accept responsibility for their own actions. The intent is to provide adequate procedural safeguards to protect the rights of the individual student, and the legitimate interests of the college.

**Jurisdiction**

All students are members of the Three Rivers Community College community. The college reserves the right to take necessary and appropriate action to protect the safety and wellbeing of the college community and will address all violations of the student code that occur on college property or property controlled by the college. Students, faculty, staff, and individuals not associated with the college may submit complaints regarding alleged violations that may have occurred on campus or off campus for review and action by the college. All complaints of alleged violation of the student code shall be made in writing to the vice president for student success.

The term “student” includes all persons taking courses at the college, either full-time or part-time. Persons who withdraw after allegedly violating the student code, who are not officially enrolled for a particular term but who have a continuing relationship with the college or who have been notified of their acceptance for admission are considered “students.” The student code applies at all locations of the college.

The term “college premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the college (including adjacent streets and sidewalks).

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The college may initiate judicial proceedings for off-campus incidents when:

1. Hazing is involved. Hazing is defined as an act which endangers the mental or physical health or safety of a person, subjects a person to public humiliation or ridicule, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership; or
2. The violation is committed while participating in a college sanctioned or sponsored activity; or
3. The victim of the violation is a member of the college community; or
4. The violation constitutes a felony under state or federal law; or
5. The violation adversely affects the function of the college. The vice president for student success is the person authorized by the college president to be responsible for the administration of the student code. The vice president for student success shall decide whether the student code shall be applied to conduct occurring off campus, on a case-by-case basis, at his or her sole discretion. The college president may appoint a designee to fulfill student conduct responsibilities when necessary.

The vice president for student success is authorized by the college president to impose sanctions upon any student(s) found to have violated the student code. The vice president for student success may appoint a designee to fulfill student conduct responsibilities when necessary.

**Failure to Comply**

Failure to comply/respond as directed by the student court, or the vice president for student success on any matter including, but not limited to, a request to meet concerning an issue or a notice concerning or alleging a violation of the student code may result in the immediate placement of a hold on the involved student's records. Further, sanctions up to and including expulsion may be imposed in the student's absence should the student fail or refuse to

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comply/respond. Failure to comply with sanctions imposed by the student court or the vice president for student success will be a further violation of the student code of conduct.

**Initiation of Complaint of Alleged Violations**

1. Complaint of alleged violations may be submitted in writing to the Office of Student Success.
2. Complaints must be submitted within fifteen college business days after detection of an alleged violation unless special conditions for delay can be documented.
3. The complaint must state sufficient facts, including specific names(s), date(s), locations, and descriptions of the alleged act(s) of misconduct to enable the vice president for student success to make a determination as to whether further fact-finding is necessary. The complainant must sign the complaint.
4. Where the alleged misconduct is related to discrimination or harassment, the vice president for student success will prepare a report of findings and determine whether further investigation is warranted.
5. The vice president for student success will make an initial determination as to whether there is sufficient basis to believe that a violation of the student code may have occurred. The vice president for student success may decide to interview the complainant and/or witnesses or to request additional information from the complainant.
6. Where the complaint is related to academic misconduct, **Special Procedures for Adjudication of Academic Misconduct** will be followed.
7. In cases of non-academic infractions and when it is determined that sufficient evidence exists to warrant charges **resulting in sanctions which will NOT limit the attendance** of the student, the vice president for student success will provide a notification of the charges and arrange a meeting with the charged student.

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- a. At this meeting, the student will be provided with the following:
  - i. A written explanation of the charges;
  - ii. Review of the evidence on which charges are based and names of all witnesses;
  - iii. A review of all due process rights and disciplinary procedures;
  - iv. An opportunity to review charges and evidence, to respond to the charges.
- b. Student must advise the vice president for student success either at the preliminary conference or within one college business day of the preliminary conference of his/her plea.
- c. After meeting with the student, the vice president for student success or his/her designee may:
  - i. Terminate the proceeding, exonerating the student or students.
  - ii. Dismiss the case after providing whatever counseling and advice may be appropriate.
  - iii. Impose verbal warning or reprimand not subject to student's right of appeal.
  - iv. Impose additional disciplinary sanctions, subject to the student's right of appeal as described in this procedure. The student shall be notified in writing of the action taken, the reason for the decision and information about the appeals process.
  - v. Refer the matter to the student conduct committee for the purpose of calling a session of the student court. The student shall be notified in writing that the matter has been referred to the committee.
- d. If the student fails to appear at the scheduled meeting without prior notification or evidence of extenuating circumstances, the vice president for student success may impose any sanctions authorized herein.

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8. In cases of non-academic infractions and when it is determined that sufficient evidence exists to warrant charges **resulting in sanctions which limit the attendance** of the student, the vice president for student success will provide a notification of the charges and arrange a meeting with the charged student.
  - a. At this meeting, the student will be provided with the following:
    - i. A written explanation of the charges;
    - ii. Review of the evidence on which charges are based and names of all witnesses;
    - iii. A review of all due process rights and disciplinary procedures;
    - iv. An opportunity to review charges and evidence, to respond to the charges, and to select from adjudication options. If the student requests a judicial hearing, the hearing will be within ten college business days.
  - b. Student must advise the vice president for student success at the preliminary conference or within one college business day of the preliminary conference of his/her plea.
9. Student complaints alleged against the vice president for student success shall be filed with the college president.

**Special Procedures for Adjudicating Cases of Academic Misconduct**

Academic misconduct strikes at the heart of the educational process. As members of the academic community, students are expected to conduct their affairs in accordance with high ethical standards.

Faculty members have the right and responsibility to demand honesty in all academic pursuits and to report all cases of academic misconduct to the vice president for student success. This process protects the academic integrity of the institution and guarantees that the due process rights of all students are protected. Students accused of academic misconduct have the right to have their case heard in a fair and impartial manner with all the safeguards available within the normal disciplinary processes. The following procedures are designed to adjudicate situations involving alleged academic misconduct, recognizing the interest of each of the parties involved:

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1. When an instructor suspects that a case for academic misconduct might be made, he or she should immediately contact the vice president for student success.
  
2. If there is evidence sufficient to warrant a charge, the following steps will occur:
  - a. The instructor will adjudicate the case by presenting the evidence to the student. In doing so the faculty member should speak with the student privately and solicit the student's explanation. When presented with charges by the instructor, the student will:
    - i. accept responsibility for the charge(s) and allow the instructor to levy a sanction, or
    - ii. deny the charge(s) and request a formal hearing in accordance with the hearing process as defined later in this section.
  - b. After the above steps have been completed, the instructor will forward all materials to the appropriate chair for any further adjudication of the case. In cases where a student denies the charges, the appropriate department chair will work with the vice president for student success and the matter will be treated as a standard disciplinary matter.
  - c. In cases adjudicated by an instructor when the student admits guilt, all materials will be forwarded to the appropriate chair. The chair will work with the vice president for student success who will retain the appropriate records in the student's disciplinary file.
  
3. Upon a finding or plea of guilty, the following sanctions may be imposed:
  - a. If the instructor has published a minimum academic sanction for academic dishonesty in the course or in a written syllabus or other document distributed to members of the class, this minimum sanction will be followed. In the absence of a published minimum sanction, the student will receive, at a minimum, a grade of zero for the work involved. A higher sanction, not limited to the grade of "F" for the course, may be entered at the discretion of the hearing body.
  - b. For a first offense, in addition to the sanction of the instructor or hearing body, the additional sanction of "disciplinary probation" will be imposed.
  - c. If a student is found guilty of academic misconduct as a repeat offense, the minimum sanction will be:

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- i. A minimum of “F” in the course, and
  - ii. Suspension from the college for a minimum of two (2) full academic semesters. Academic semester is defined as either a fall or spring semester.
4. If a student is found not guilty of academic misconduct, the hearing body will refer the paper, assignment, or test to the appropriate chair or administrator responsible for supervision who will facilitate a resolution concerning a fair grade for the work in question.

**Special Procedures for Adjudicating Cases Involving Recognized Student Organizations (RSO)**

Should a complaint be filed against an RSO, the vice president for student success will conduct an investigation, a hearing, and the vice president for student success may impose the following sanctions, if necessary:

1. Cancellation of recognized status,
2. Imposition of monetary fines, withholding or withdrawal of allocated funds,
3. Imposition of restitution for damages,
4. Removal of any of the RSO’s officers or members from the RSO or its activities,
5. Restriction of any of the privileges or rights enjoyed by the RSO.

An RSO may appeal any finding and/or sanction imposed provided relevant grounds for appeal are cited as outlined in the appeals procedures described herein. Written notification of the decision to appeal and the grounds for appeal must be received by the vice president for student success within two college business days after the original decision is communicated to the RSO. The vice president for student success will convene an appeals panel consisting of three members (two faculty/staff, one student) not involved with the original hearing. Appeal proceedings will begin within five college business days of the receipt of the written notification from the student. The vice president for student success will be responsible for notifying the

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RSO of the outcome of the appeal within two college business days of the conclusion of the appeal proceedings. This is the final appeal at the institutional level.

The right of provisional organizations to operate may be revoked upon an adverse finding by the vice president for student success. In cases of revocation of provisional status, there is no institutional appeal of the decision.

### **Due Process and Student Rights**

When charged with violating the rules, regulations, and/or procedures of the college, disposition of the case will be according to the due process described herein and will provide entitlement to the right to:

1. A written copy of the charge(s).
2. A fair and impartial hearing before the vice president for student success or the student court as described herein.
3. Know the nature of the evidence against them and names of witnesses scheduled to appear.
4. Present evidence and witnesses in their behalf. Statements from character witnesses will be accepted only in instances in which the individual providing the information has direct knowledge of the event(s) in question.
5. Be accompanied at a hearing by an advisor. The role of the advisor is passive and limited. The advisor cannot actively participate in the hearing or ask questions of the witnesses or the hearing body. The advisor's role is to advise the student and observe the proceedings.

The charged student may not be accompanied by an attorney unless the charge(s) is criminal in nature. In the case of a charge(s) that is potentially criminal in nature, the charged student must notify the vice president for student success three college

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business days in advance of the hearing if he/she plans to have an attorney present as his/her advisor. Failure to notify the vice president for student success will result in the hearing being rescheduled.

6. Be present at the hearing during the presentation of any evidence or material on which a decision will be made. If the student fails to attend the hearing, the hearing will be held in the student's absence.
7. Remain silent and refrain from answering questions.
8. Submit questions for witnesses to the chair of the student court. The chair will determine if the charged student's questions are appropriate and if the charged student's questions will be posed verbally or in writing.
9. An audio recording of the hearing will be made by the chair of the student court. The deliberation/sanctioning phase of the proceeding will not be recorded. The charged student will be provided, upon request, a copy of the hearing tape(s). Written transcripts of the hearing will not be available.
10. A decision based solely on the evidence presented.
11. A written notice of the results of the hearing and an explanation of the decision and sanction assessment. If a student is found not in violation of the charge(s), all related documents and records will be destroyed.
12. Appeal the finding and/or sanction.

**Adjudication Options**

The vice president for student success will present the student charged with violations of the student code with a written document describing the charges filed against him/her.

In cases where the alleged violation will **NOT potentially result in a sanction resulting in a**

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**limitation of attendance** the student will respond in one of the following ways to each charge:

1. Admission of responsibility for the charge(s). The vice president for student success will determine appropriate sanction(s) as defined herein up to but not including a limitation of attendance.
2. Denial of responsibility for the charge(s) and request a hearing before a panel of the student court. The vice president for student success will determine appropriate sanction(s) as defined herein up to but not including a limitation of attendance.

In cases where the alleged violation will **potentially result in a sanction resulting in a limitation of attendance** the student will respond in one of the following ways to each charge:

3. Admission of responsibility for the charge(s) and waive the right to a hearing. The vice president for student success will determine appropriate sanction(s).
4. Denial of responsibility for the charge(s) and request a hearing before a panel of the student court.

Student Court – A faculty/staff/student committee with members appointed by the student conduct committee. Members of the court will serve as a panel for resolving disciplinary offenses involving students. Each panel will be composed of at least five members, including at least three students. The vice president for student success serves as non-voting chair of the hearing panel. The vice president for student success may appoint an ad hoc panel when the student court is unable to hear cases in a timely manner. Each ad hoc panel will be composed of at least five members, including at least three students. It is the responsibility of the vice president for student success to provide orientation and support for the hearing body.

**Absence of the Accused of Lack of Cooperation**

If the student is absent from the college community while a disciplinary case is pending or if a student declines to participate in the disciplinary process, the student is not absolved of

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responsibility.

Students who have been properly notified of a scheduled hearing, and who fail to appear at the hearing after proper notice has been given, will have their cases adjudicated in absentia at the scheduled hearing time and will be bound by the findings.

### **Notification**

In all cases relative to written notification of students, such notification will be considered complete once a certified/registered letter has been posted with the U.S. Post Office to the student's mailing address contained in the Three Rivers Community College Student Information System or the notification is hand delivered by either the vice president for student success or his/her designee.

### **The Hearing Process**

The formal hearing process described below shall only occur in cases where the resulting sanction will limit the attendance of a student who has not plead guilty during the initial meeting with the vice president of success or in lesser cases when deemed appropriate by the vice president for student success or his/her designee.

The focus of the Hearing Process in disciplinary proceedings shall be determining the innocence or guilt of those accused of violating the student code. Hearings are not open to observers. Decisions shall be based upon the preponderance of all available evidence in each case. This means the evidence does not have to be enough to free the mind from a reasonable doubt but must be sufficient to incline a reasonable and impartial mind to one side of the issue rather than to the other. Student court hearings are not legalistic proceedings and formal rules of evidence do not apply.

1. If a charged student denies responsibility for alleged charge(s), the hearing will be scheduled within ten college business days after requested by the charged student. Hearings will be held during normal college business hours on the Poplar Bluff campus. The charged student may request, in writing, a continuance from the vice president for student success if circumstances are such that a delay is warranted. The charged

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student will be notified, in writing, of the date, time, and location of the hearing.

The vice president for student success will serve as chair of the student court and hearing panels and will select the members of each student court hearing panel. All procedural questions are subject to the final decision of the vice president for student success.

2. The party charging a violation of the student code has the right to be informed of these hearing procedures and the right to be present throughout the presentation of witnesses and evidence. The vice president for student success will inform the charging party of these rights prior to the hearing.

The records of the student conduct process and of the sanctions imposed, if any, shall be considered to be the education records of both the party charging a violation of the student code and the charged student(s) because the educational career and chances of success in the academic community of each may be impacted.

3. The charged student will enter a plea to all charges before the student court.
4. The vice president for student success will remind the charged student and each witness present of the importance of providing truthful and accurate information during the hearing process. If a witness fails to tell the truth during student disciplinary proceedings, disciplinary action may result.
5. At the hearing, the vice president for student success will present the evidence and facts of the case to the student court. The vice president for student success will present witnesses in support of the case against the charged student.
6. The members of the Student court may question all witnesses or ask for clarification from the vice president for student success or any witness.
7. The charged student may submit questions for witnesses to the vice president for student success. The vice president for student success will direct appropriate questions to the witnesses. The vice president for student success will determine if the

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charged student's questions are appropriate and if the charged student's questions will be posed verbally or in writing.

8. When the case against the charged student has been presented, opportunity will be given for the charged student to make a statement regarding the charges. The members of the student court or the vice president for student success may question the charged student if he or she chooses to make a statement.
9. The charged student will present any evidence or witnesses in his or her behalf. Statements from character witnesses will be accepted only in instances in which the individual providing the information has direct knowledge of the event(s) in question.
10. The charged student will have an opportunity to make a statement at the conclusion of the hearing process. This closing statement by the charged student will precede the closing statement of the vice president for student success.
11. Any member of the student court may recall any witness after testimony, if clarification is needed.
12. At the conclusion of the hearing, the vice president for student success will call for adjournment.
13. The student court may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of vice president for student success to be appropriate.

**Findings of the Student Court**

After hearing both sides of the case, the student court will, in a closed session, deliberate and

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reach a decision regarding the guilt or innocence of the charged student.

A majority vote is necessary to reach a decision regardless of the quorum.

If the student court finds the charged student not responsible for the violation, the vice president for student success will read the finding into the taped record and will communicate the finding to the adjudicated student in writing within two college business days (Monday – Friday) of the conclusion of the hearing.

If the student court finds the charged student responsible for the violation, the vice president for student success will read the finding into the record and will ensure the proper retention of all associated documents.

The vice president for student success will review the record of the case and any prior disciplinary history of the adjudicated student and will reach a decision regarding appropriate sanctions to be imposed.

The vice president for student success will read the sanction into the record and will be responsible for notifying the adjudicated student of the finding and sanction in writing within two college business days of the conclusion of the hearing.

At the request of the adjudicated student, the vice president for student success will meet with the student and provide clarification of the finding and sanction. At this time and at the student's request, information on and assistance with the appeal procedures as outlined in the student handbook will be provided.

The finding and sanctions are considered final unless appealed by the adjudicated student.

In cases where no decision can be reached, the vice president for student success may appoint another hearing panel or drop the charges.

**Sanctions**

The following are disciplinary sanctions that may be imposed upon the student. This list is not

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exhaustive and the college reserves the right to modify or enlarge the list at any time depending on the nature of the violation(s).

Upon imposition of a sanction, the student is notified by mail. In cases of suspension or expulsion, the parents of a minor will be notified by mail.

**1. Disciplinary Warning**

A disciplinary warning is an official written reprimand.

**2. Disciplinary Probation**

Disciplinary probation is a period of time during which further violations of the rules and regulations of the college may result in suspension or expulsion. Probation may be imposed for a period of time ranging from the remainder of the semester in which the violation occurred to the remainder of the student's matriculation at the college.

Restrictions may be imposed in conjunction with probation and may include:

- a. *Community Service Hours* – Students may be required to complete work at a designated location for a specified number of hours.
- b. *Educational Programs* – Students may be required to attend programs on special topics related to the offense. This does not include academic courses for credit.
- c. *Restricted presence on campus* – Students may be restricted on campus except to attend classes or complete coursework.
- d. *Special Projects* – Students may be required to write papers and/or present programs on topics related to the offense.
- e. *Substance Abuse Assessment* – Students may be required to submit to an assessment for substance abuse. Periodic drug testing, not to exceed two random tests per semester for a minimum of three semesters, may be required.
- f. *Restitution* – Students may be required to reimburse the college or other persons, groups, or organizations for damages incurred as a result of a violation of the student code.
- g. *Confiscation* – The college reserves the right to confiscate goods used or possessed in violation of the student code.

**3. Loss of Student Office/Leadership Position**

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Students in elected/appointed positions may lose the position as a result of a violation of the student code.

**4. Forced Withdrawal**

Students may be withdrawn from the academic course(s) within which the violation of the student code occurred without receiving academic credit for the course(s) or refund.

**5. Change of Grade**

Students found in violation of the student code may receive a change in grade for the course, test, paper, or work in which an academic irregularity occurred.

**6. Interim Suspension**

- a. At any time following the submission of a written complaint, the vice president for student success may suspend a student for an interim period prior to resolution of the disciplinary proceeding if the vice president for student success believes that the information that supports the allegations of misconduct is reliable and determines that the continued presence of the student on the college campus poses a threat to any individual, property, or college function.
- b. The decision to suspend a student for an interim period shall be communicated in writing to the student and shall become effective immediately upon sending the notice.
- c. The interim suspension shall remain in effect until a final decision has been made on the pending charges or until the vice president for student success determines that the reasons for imposing the interim suspension no longer exist.
- d. A student who is suspended for an interim period will be provided an opportunity to respond to the allegations of misconduct no later than five college business days following the effective date of the interim suspension.
- e. The student will be granted a hearing opportunity, if warranted, as soon as possible following such response but no later than five college business days.

**7. Suspension**

A decision of suspension terminates the student's status as an enrolled student for a specific period of time and prohibits the student from attending classes. A suspended student may not participate in college sponsored activities or be present on campus

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without specific authorization from the vice president for student success. The vice president for student success may further impose a summary suspension in cases where a suspended student chooses to violate the terms of his/her suspension. Suspended students may not receive any academic credit from another institution if earned during their period of suspension from the college. Students will not receive a refund of fees.

**8. Expulsion**

A decision of expulsion constitutes a permanent severance of the student's relationship with the college. An expelled student may not enter any part of the campus without specific authorization from the vice president for student success. Students will not receive a refund of fees.

**9. Revocation of Admission and/or Degree**

Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

**10. Withholding Degree**

The college may withhold awarding a degree otherwise earned until the completion of the process set forth in this student code, including the completion of all sanctions imposed, if any.

A student responsible for any type of violation of the student code will not be permitted to avoid sanction by withdrawing from a class or the college.

Other than expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record, maintained by the vice president for student success.

**Administrative Withdrawal**

Students may be administratively withdrawn from classes and/or the college when, in the judgment of the vice president for learning or the vice president for student success, after

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consultation with appropriate college personnel, it is determined that because of physical, mental, emotional, or psychological health conditions, the student:

- a. poses a significant danger or threat of physical harm to the student or to the person or property of others, or
- b. the student interferes with the rights of other members of the college community or with the exercise of any proper activities or functions of the college or its personnel, or
- c. the student is unable to meet institutional requirements for continued enrollment as defined in this student code or other publications of the college.

Students may make a request in writing for an appropriate hearing prior to the final decision concerning continued enrollment.

**Appeal Procedures Not Involving Suspension/Expulsion**

Students adjudicated under the student code have the right to appeal decisions of the vice president for student success provided specific relevant grounds for appeal are cited. Steps for filing an appeal are outlined below:

1. Written notification of the decision to appeal and the grounds for the appeal as contained herein must be received by the vice president for student success within two college business days after the original decision is communicated to the adjudicated student. The vice president for student success will convene an appeals panel consisting of three members (two faculty/staff, one student) who were not previously involved. Appeal proceedings will begin within five college business days of the receipt of the written notification from the student. The vice president for student success will be responsible for notifying the adjudicated student of the outcome of the appeal within two college business days of the conclusion of the appeal proceedings. Except as outlined below, the decision of the appeal panel is final.

**Appeal Procedures Involving Suspension/Expulsion**

The college president may, at his or her discretion, review any student discipline case and take such action, as deemed appropriate.

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1. Students who are appealing suspension or expulsion and feel that further action is warranted following a decision may appeal to the college president. The appeal must be submitted to the vice president for student success in writing within two college business days after the finding and sanction are communicated to the adjudicated student. The vice president for student success is responsible for submitting the student's written appeal, along with other appropriate documentation to the office of the college president. At the discretion of the vice president for student success, an extension of no more than one college business day may be granted after notification of suspension or expulsion has been communicated to the student. Students appealing decisions involving suspension or expulsion may have their movements on campus restricted to academic endeavors or other restrictions deemed appropriate during the period of appeal. Otherwise, no sanction will be enforced until a final decision is reached.
  
2. With the approval of the college president, the vice president for student success will convene an appeals panel to review the case. The panel will be composed of three members, two members from the faculty/administrative staff and one student. A different panel may be appointed for each case. After reviewing the case, the panel will prepare a written recommendation for consideration by the college president. The college president will review the recommendations submitted by the panel and render a decision. The president will communicate his or her decision to the student within ten college business days after an appeal is filed with the vice president for student success. The decision of the college president shall be final.
  - a. **Purpose of the Appeals Panel**

The purpose of an appeal is to review the procedures and findings of the body of original jurisdiction and to determine if there is a basis for error in a judicial hearing.
  
  - b. **Grounds**

A student may appeal a judicial decision on the following grounds:

    - i. A violation of due process.
    - ii. Evidence of prejudicial treatment by the original hearing body.

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- iii. Evidence becomes available during the review process that was not previously available during the original hearing.
- iv. Mercy appeal for review of an imposed sanction considered too harsh.

**b. Procedure**

The appeals panel:

- i. Will review all material related to the case including;
  - 1. the record made before the original hearing body convened;
  - 2. all pertinent documents, including hearing minutes, witness statements, and incident reports;
  - 3. prior violations and sanctions against the student.
- ii. May, at its discretion, hear oral argument from either party or their representatives.

**c. Findings**

The appeals panel may:

- i. Affirm the original decision and deny the appeal.
- ii. Affirm the findings of guilt and modify the sanction. The appeals panel may, at its discretion, change, increase or reduce the sanction imposed. If the sanction is modified, the appeals panel must state in writing the justification for such modification.
- iii. Find evidence of prejudice on the part of the original hearing body and refer the case for rehearing before another hearing body.
- iv. Refer the case to the original hearing body for reconsideration of specific points deemed important by the appeals panel.
- v. Reverse the finding of guilt and affirm the appeal.

**Records Management**

Disciplinary records, except those pertaining to suspension or expulsion, will be maintained for five years after the student's date of graduation or last date of attendance. Records involving suspension or expulsion will be retained permanently.

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**Interpretation and Revision**

Any question of interpretation or application of the student code shall be referred to the vice president for student success or his or her designee for final determination, unless otherwise determined by the college president.

The student code shall be reviewed every 3 years under the direction of the vice president for student success. Any revisions shall be subject to the approval of the faculty and the college president.

*This student code is informed by Edward N. Stoner II and John Wesley Lowery from "A Twenty First Century Model Student Conduct Code."*